



Development Services
 Planning
 305 Chestnut Street
 PO Box 1810
 Wilmington, NC 28402-1810

910 254-0900
 910 341-3264 fax
 wilmingtonnc.gov
 Dial 711 TTY/Voice

TRANSMITTAL LETTER

TO: John Barham, Zoning Inspector 
 DATE: August 5, 2016
 SUBJECT: **Summerwalk Phase I** (2015040)
 LOCATION: 6120 Oleander Drive

The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 8/4/16	Summerwalk Approved Plans
1	Dated 1/6/16	City Tree Removal Permit TPP-16-104
1	Dated 1/20/16	NHC Grading Permit GP #43-15
1	Dated TBD	City Stormwater Discharge Permit No. 2016025
1	Dated 7/16/16	SRB Approval Letter with Conditions (SRB-1-715)
1	Dated 8/11/15	US Army Corps Wetland Verification SAW-2009-01214
1	Dated 1/27/15	Traffic Impact Analysis Approval Letter

REMARKS: **Summerwalk Phase I**, located at **6120 Oleander Drive**, is hereby conditionally released for construction. The following conditions must be satisfied as part of this release:

- A. **A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.**
- B. **ANY TREES, INCLUDING THE CRITICAL ROOT ZONE AREA, AND/OR AREA DESIGNATED TO BE SAVED MUST BE PROPERLY BARRICADED OR MARKED WITH FENCING AND PROTECTED THROUGHOUT CONSTRUCTION TO INSURE THAT NO CLEARING AND GRADING WILL OCCUR IN THOSE AREAS.**
- C. **NO EQUIPMENT IS ALLOWED ON THE SITE AND NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE, ETC., OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL:**
 - 1. **ALL TREE PROTECTION FENCING AND SILT FENCING HAS BEEN INSTALLED**
 - 2. **BETH WETHERILL HAS FORMALLY ISSUED THE GRADING PERMIT AND AUTHORIZED THE ACTIVITY**
 - 3. **THE CFPUA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPUA 332-6560.**
 - 4. **THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.**
- D. **ALL IMPROVEMENTS, AS RECOMMENDED BY THE SUBMITTED AND APPROVED TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE INSTALLED AND INSPECTED PRIOR TO THE ISSUANCE OF THE FINAL ZONING APPROVAL.**

- E. A COPY OF THE RECORDED MAP SHOWING ANY REQUIRED EASEMENTS AND RIGHT-OF-WAY FOR THE PROJECT MUST BE SUBMITTED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- F. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- G. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:**
- AS-BUILT DRAWINGS FOR ALL STORMWATER MANAGEMENT FACILITIES SHALL BE SUBMITTED TO THE CITY OF WILMINGTON ENGINEERING DIVISION.**
 - AN ENGINEER'S CERTIFICATION SHALL ALSO BE SUBMITTED, ALONG WITH ALL SUPPORTING DOCUMENTATION THAT SPECIFIES, UNDER SEAL THAT THE AS-BUILT STORMWATER MEASURES, CONTROLS AND DEVICES ARE IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLANS.**
 - A FINAL INSPECTION BY CITY OF WILMINGTON ENGINEERING PERSONNEL IS REQUIRED PRIOR TO APPROVAL.**
- H. PRIOR TO A FINAL INSPECTION, A WALKTHROUGH WITH CITY INSPECTIONS SHALL TAKE PLACE TO VERIFY COMPLETENESS OF SITE WORK IN ROW. ANY MATERIAL TEST REPORTS AND STORMWATER VIDEOS AS REQUIRED SHALL BE SUBMITTED PRIOR TO AND APPROVED BY CITY ENGINEERING. PLEASE CONTACT THE CITY ENGINEERING DIVISION AT 910.341.0094.**
- I. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RIGHT-OF-WAY UNTIL ALL NCDOT PERMITS HAVE BEEN ISSUED AND RECEIVED BY THE CITY. ALL IMPROVEMENTS REQUIRED SHALL BE INSTALLED AND APPROVED BY NCDOT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- J. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT. THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CONSTRUCTION RELEASE.**
- K. APPROVAL OF A MAJOR OR MINOR SITE PLAN SHALL EXPIRE AFTER EIGHTEEN (18) MONTHS FROM THE DATE OF SUCH APPROVAL IF THE APPLICANT HAS FAILED TO MAKE SUBSTANTIAL PROGRESS ON THE SITE. THE TECHNICAL REVIEW COMMITTEE MAY GRANT A SINGLE, SIX-MONTH EXTENSION OF THIS TIME LIMIT FOR MAJOR AND MINOR SITE PLANS, FOR GOOD CAUSE SHOWN, UPON RECEIVING A REQUEST FROM THE APPLICANT BEFORE THE EXPIRATION OF THE APPROVED PLAN. IN THE EVENT APPROVAL OF A SITE PLAN HAS EXPIRED, FOR WHATEVER REASONS, THE OWNER AND/OR APPLICANT WILL BE REQUIRED TO RESUBMIT FOR APPROVAL OF A SITE PLAN THAT MEETS CURRENT DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED IN THIS CHAPTER.**

L. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.

Please notify New Hanover County Building Inspections of this release.

Signature:  _____
Brian Chambers, Associate Planner

Copy: Gary Pape	GSP Consulting
Bret Russell	Construction Manager
Rob Gordon	Engineering
Jim Quinn	Stormwater Specialist
Aaron Reese	Urban Forestry
Chris Elrod	Wilmington Fire Department (e-mail only)
Sammy Flowers	Wilmington Fire Department (e-mail only)
Brian Blackmon	Surveyor (e-mail only)
Jim Sahlie	GIS Addressing (e-mail only)
Bill McDow	Traffic Engineering (e-mail only)
Don Bennett	Traffic Engineering (e-mail only)
Bernice Johnson	CFPUA (e-mail letter only)
Beth Easley Wetherill	NHC Erosion Control (e-mail only)
Michelle Hutchinson	GIS Engineer (e-mail only)
Amy Beatty	Community Services (e-mail only)
Ryan O'Reilly	Community Services (e-mail only)
Steve Harrell	Community Services (e-mail only)

File: **Summerwalk Phase I**

Project File # 2015040



Development Services
Planning
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

August 5, 2016

Garry Pape
GSP Consulting
6676-C Gordon Road
Wilmington, NC 28411

910 254-0900
910 341-3264 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

RE: **Summerwalk Phase I, located at 6120 Oleander Drive**

Please make note of the conditions for the release as they appear on the attached release letter. These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning any construction or grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.***

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. ***NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.***

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,


Brian Chambers
Associate Planner





NEW HANOVER COUNTY

Engineering Department
230 Government Center Drive · Suite 160
Wilmington, North Carolina 28403
TELEPHONE (910)-798-7139
Fax (910) 798-7051

Beth E. Wetherill, C.P.E.S.C.
Soil Erosion Specialist

January 20, 2016

Summerwalk Development, LLC
6105 Oleander Drive, Suite 201,
Wilmington, North Carolina 28403

RE: Grading Permit # 43-15, Summerwalk Phase I

Dear Mr. Howard Penton III:

This office has reviewed the revised subject sedimentation and erosion control plan. We find the plan to be acceptable.

Please read the permit conditions carefully and return the signed blue original to our office and keep the copy for your records.

The land disturbing fee of \$ 9288 is due to be paid to New Hanover County, to my attention, prior to issuance of the Certificate of Occupancy and \$2850 is due to be paid prior to plat recordation for a total of \$12138.

A preconstruction meeting is required prior to any land disturbing activity on site. Please contact us at (910) 798-7139 to set this up with us.

Please be advised that a copy of the approved soil erosion plan, a copy of the grading permit, a rain gauge and the Combined Inspection Reports must be available at all times at the site.

New Hanover County's Erosion and Sedimentation Control Program is performance oriented requiring protection of the natural resources and adjoining properties. If following the commencement of the project, it is determined that the plan is inadequate to meet the requirements of the New Hanover County's Erosion and Sedimentation Control Ordinance, this office may require revisions in the plan and its implementation to insure compliance with the ordinance.

This permit will not preclude any other permits or approvals necessary for beginning or completing this development. It is the owner's responsibility to have all the approvals or permits that are required prior to beginning construction. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

Respectfully yours,

Beth Easley Wetherill

Beth Easley Wetherill
NHC Soil Erosion Specialist

cc: Brian Chambers, City of Wilmington Planning
Garry Pape EE, GSP Consulting, PLLC



Permit for a Land Disturbing Activity

New Hanover County
Department of Engineering
230 Government Center Drive - Suite 160
Wilmington, North Carolina 28403
(910) 798-7139

As authorized by the New Hanover County Erosion and Sedimentation Control Ordinance

This permit issued to Summerwalk Development, LLC authorizes the development of 25.89 acres of land at 6120 Oleander Drive for Summerwalk Phase I in New Hanover County. This permit issued on January 20, 2016 is subject to compliance with the application and site drawings, all applicable regulations and special conditions and notes set forth below. Any plan modifications must be approved by this office prior to field changes.

It is understood by the applicant that a representative of New Hanover County's Engineering Department may inspect the site at any time following the issuance of this Permit. A copy of the approved Soil Erosion Control Plan, this permit, a rain gauge and copies of the Combined Self-Monitoring and Self Inspection Reports must be available at all times at the site.

Failure to execute the provisions of this permit and the approved Soil Erosion Plan, or any other provisions of the New Hanover County Soil Erosion and Sedimentation Control Ordinance, shall result in immediate legal action by the County to the limits prescribed by the Ordinance. If the measures outlined on the approved Soil Erosion Control Plan and this Permit prove insufficient, additional Erosion Control measures can and will be required which in turn will be considered provisions of this Permit. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations and rules. It is the Permittee's responsibility to obtain all necessary permits and approvals.

SPECIAL CONDITIONS

(THESE CONDITIONS MUST BE FOLLOWED IN ADDITION TO THE PLANS AND SPECIFICATIONS)

*All the soil erosion control measures will be installed as the site is cleared and maintained throughout construction. These include a construction entrances, a barricade at Oleander Drive, silt fences, inlet and outlet protection, 4 Trapezoidal 3:1 sloped swales with 2 foot bottoms that will be sodded, 8 inch filter socks at all flumes, and immediate installation and stabilization of 8 infiltration basins and the offsite stormwater pond with a 3.75 inch skimmer thru an earthen dam. Note all swales and all work in the R/W will be immediately sodded prior to any rain event.

*Tree Removal Permits must be acquired from the City of Wilmington and/or New Hanover County prior to issuance of this permit and clearing the site.

*Silt fence stakes must be metal and will be placed **six feet apart without wire reinforcement** or **eight feet apart with wire reinforcement**. Silt fence is not allowed as inlet protection.

*This permit does not preclude any permits or approvals which may be necessary such as City of Wilmington or New Hanover County Stormwater, NCDENR Water Quality, C.A.M.A., and the US Army Corps. of Engineers, DEM Solid Waste or any other agencies.

*No sediment shall leave the site.

*If plan revisions are necessary you must submit a copy to this office for approval prior to any field changes.

*If soil is removed from the site, it must be taken to an approved or permitted site to be identified to this office prior to removal from the site.

*All City and/or County and State drainage and stormwater requirements will be adhered to.

*If these measures fail to adequately control erosion, more restrictive measures will be required.

*If any phase of grading ceases for more than 15 working days, the site will be temporarily stabilized.

*All slopes must be stabilized within 21 calendar days of any phase of activity.

The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

*Note the required rates for seed, lime, fertilizer and mulch in your seeding specifications.

*Note the NPDES information from the State for sites disturbing 1 acre or more and the reporting requirements. All NEW projects permitted after August 3, 2011 must include the following surface water withdrawal locations and stabilization requirement designations on the plan in order to qualify for coverage under the most recent NPDES Construction General Permit. All settling basins must have outlet structures that withdraw water from the surface, with the exception of basins or traps that have a drainage area of less than 1 acre. The NPDES permit requires ground cover within 14 calendar days on disturbed flat areas and ground cover within 7 calendar days on all areas within HQW Zones, perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3:1. Exceptions include slopes that are 10 feet or less in length and not steeper than 2:1 which must be stabilized within 14 calendar days and slopes greater than 50 feet which must be stabilized within 7 calendar days. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities. Inspections of all erosion control measures and reports are required every 7 days and within 24 hours of every 1/2 inch rain event in a 24 hour period.

*Note the Land Resources Self Inspection Program Requirements. This program is separate from the NPDES reporting and requires inspection and documentation after each phase of construction. These phases include: Installation of perimeter erosion control measures, Clearing and Grubbing of existing ground cover, Completion of any phase of grading of slopes or fills, Installation of storm drainage facilities, Completion of construction or development, Establishment of permanent ground cover sufficient to restrain erosion and any Deviation from the approved plan.

Enclosed is a Combined Self-Monitoring and Self-Inspection Form that meets the requirements of both the NPDES Stormwater Permit for Construction Activities, NCG 010000 reporting and the Land Resources Self Inspection Program that satisfies the requirements of the Sedimentation Pollution Control Act. This report is the responsibility of the property owner. It requires a rain gauge onsite and inspections and reporting every 7 calendar days and within 24 hours of every 1/2 inch rain per 24 hour period and at specific phases of construction. Additional copies of this Combined Construction Inspection Report can be found at <http://portal.ncdenr.org/web/lr/erosion> . Reports must be available onsite at all times. If you have questions please contact New Hanover County Engineering (910) 798-7139 or the Land Quality Section at the NCDENR Regional office at (910) 796-7215.

*A pre-construction meeting is required prior to any activity on site. Please contact Beth E. Wetherill at (910) 798-7139 to set up this meeting.

(Continued) - Page Three

Permit # GP 43-15

This Permit will expire one year from date of issue if no construction activity begins on site. This permit may not be amended or transferred to another party without approval of this office.

Acknowledgment of receipt of Permit

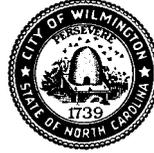
Owner

Beth Easley Wetherill

Beth E. Wetherill, C.P.E.S.C.,
Soil Erosion Specialist/New Hanover County

By (please print)

Signature



Development Services
Planning
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

July 16, 2015

Gary S. Pape
GSP Consulting
6676-C Garden Road
Wilmington, NC 28411

RE: Subdivision Review Board Approval - Summer Walk (SRB-1-715)

Dear Mr. Pape:

On July 15, 2015 the Subdivision Review Board (SRB) conditionally approved the Preliminary Plan for 104 townhomes, 19 single-family homes, and two commercial buildings totaling 62,400 square feet on 26.25 acres located at 6120 Oleander Drive. The property is zoned O&I-1(CD) and MF-L (CD). Approval of the Preliminary Plan is subject to the following conditions:

1. The development of the subject property shall be in accordance with the preliminary plan as approved by the SRB.
2. The use and development of the subject property shall be limited to:
 - a. Two commercial buildings totaling not more than 62,400 square feet;
 - b. 104 attached townhome units; and
 - c. 19 single-family dwelling units.
3. Uses for the proposed commercial buildings shall be limited to the following:
 - a. Business services
 - b. Banking services
 - c. Restaurant, standard
 - d. Restaurant, carryout and fast food (limited to coffee shops or ice cream shops)
 - e. Microbrewery
 - f. Retail sales establishments, including specialty grocers and pharmacies
 - g. Medical office
 - h. Professional office
 - i. Personal services
4. Requirements of the approved Traffic Impact Analysis (TIA) may be phased. Phase I improvements must be completed prior to construction of the first phase of residential development of the site.
5. The developer shall coordinate with City Staff to construct a multi-use path along Greenville Loop Road in accordance with the approved 2014 Transportation Bond. The Technical Review Committee shall determine:
 - a. The location of any portion of the multi-use path; and

- b. The sufficiency of any alternative public bike facility and/or allow payment in lieu for constructing the bike lane on the eastern side of Greenville Loop Road.
6. All multi-family and office parking spaces shall be pervious material.
7. A shared parking agreement shall be executed between the owners in a tenure dictated by the city attorney.
8. The site shall be developed utilizing low impact design (LID) principles in accordance with the LDC.
9. No additional impervious surfaces shall be allowed on the site without additional review.
10. Impervious surfaces for the project shall be limited to 25% or less.
11. All regulated flowering trees and deciduous trees 10-inch caliper and below in size, targeted for removal, shall be spaded and relocated on site.
12. The developer shall dedicate right-of-way necessary to accommodate the future road improvements, when deemed necessary.
13. Project areas that are to incorporate xeric landscaping shall be clearly marked on the site plan with notes indicating such and a note stating that "All soil amendments and planting schedules shall be noted on the plan to properly verify the xeric landscaping techniques utilized" shall be included on all relevant plans. The developer shall consult with the Cooperative Extension Service for guidance.
14. The construction release documents and documents to be filed in the New Hanover County Registry shall note that, "The site will not be further developed with any additional impervious surfaces."
15. No auxiliary signs or freestanding pole signs shall be permitted on this site. The freestanding sign shall be a monument sign that complies with the LDC and shall have landscaping at the base of the sign.
16. The properties shall be recombined and recorded in the New Hanover County Registry.
17. The applicant shall provide access to any landlocked property to the Greenville-Meares Road.
18. All construction traffic associated with the site shall access the site from Oleander Drive.
19. Perpetual maintenance and upkeep of the open space and stormwater management ponds shall be provided by an incorporated Homeowners Association or by the developer and/or owners of the property.
20. Parking areas shall be reduced in proportion to any reduction in commercial space.
21. All requirements of the Land Development Code shall be met.
22. All local, state and federal requirements shall be met.
23. All TRC and SRB requirements and conditions shall be met.
24. All private streets shall remain open for full public access throughout the development.
25. A condition was added that all private streets shall remain open for full public access throughout the development. **APPROVED AS AMENDED, 5-0**

The vote of the SRB was as follows regarding your waiver request:

1. Waiver of the five hundred foot rule concerning length of a private drive from a public through street. **APPROVED, 5-0**
2. Waiver to allow private streets throughout the development and allow alternative street cross-sections as approved by the Technical Review Committee (TRC). **APPROVED, 5-0**

An appeal from a decision of the Subdivision Review Board shall be to the Planning Commission, provided written notice of the appeal is filed within twenty (20) days of the Board's action to the secretary of the Planning Commission. The appeal shall be set for hearing before the Planning Commission within thirty (30) days receipt of the appeal or as soon thereafter as is practicable.

The decision of the Planning Commission shall be subject to review by the New Hanover County Superior Court. The appellant must file a petition for judicial review in Superior Court within thirty (30) days of the Planning Commission's final decision. Failure to file such petition within the time frame stated shall bar Superior Court review.

Should you or any interested party elect not to file an appeal, approval of the Preliminary Plan is effective for a period of eighteen (18) months, or until January 15, 2017.

Development Services staff will be glad to assist you with site plan submission so that the necessary review can occur so you can obtain release for construction. Prior to the start of construction activity on the site, City issuance of a clearing and grading release is required. If you need additional information, please contact me at 342-2782.

Sincerely,
Brian Chambers
Brian Chambers
Associate Planner

Cc: Howard Penton, Penton Development

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id: SAW-2009-01214

County: New Hanover

U.S.G.S.Quad: NC-Wrightsville Beach

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: Howard Penton
Summerwalk Development, LLC
6105 Oleander Drive, Suite 201
Wilmington, North Carolina 28403

Agent: Kim Williams
Land Management Group, Inc.
3805 Wrightsville Avenue, Suite 15
Wilmington, North Carolina 28403

Size (acres)	<u>25.5 Acres</u>	Nearest Town	<u>Wilmington</u>
Nearest Waterway	<u>Bradley Creek</u>	River Basin	<u>White Oak</u>
USGS HUC	<u>03030001</u>	Coordinates	Latitude: <u>34.20575 N</u> Longitude: <u>-77.84056 W</u>

Location description: The 25.5 acre project area is located at 6120 Oleander Drive, west of Greenville Loop Road, in the City of Wilmington, New Hanover County, North Carolina (Parcel #s R06211-003-004-000, R06208-013-012-000, R06208-013-010-001, R06208-013-009-000, R06208-013-008-000, R6208-013-007-000, R06208-013-006-000).

Description of projects area and activity: The project involves the permanent placement of fill material within 0.147 acres of non-riparian jurisdictional wetlands and the temporary placement of fill material within 0.0054 acres of wetlands for the purpose of constructing a multi-use residential and commercial development to include 107 multiple family units, 20 single family lots, recreational facilities and two office buildings. Please see special conditions on the following page.

Authorization: Nationwide Permit Number: NWP 29- Residential Developments

SEE ATTACHED NWP GENERAL and REGIONAL SPECIAL CONDITIONS

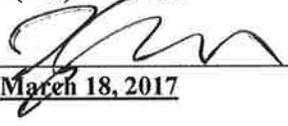
Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application, specifically, the enclosed plans and drawings titled "Summerwalk; Overall Wetland Impact Plan", dated June 2011. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Morehead City, NC, at (252) 808-2808. This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Kyle Dahl at (910) 251-4469.

Corps Regulatory Official 
Expiration Date of Verification: March 18, 2017

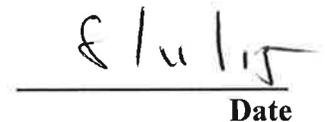
Date: August 11, 2015

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our customer Satisfaction Survey online at <http://per2.nwp.usace.army.mil/survey.html> .

**SPECIAL CONDITIONS
Summerwalk Development**

- 1) In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization. Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment for the compensatory mitigation and provided a copy of the payment documentation to the Corps of Engineers.
- 2) The permittee shall execute and cause to be recorded in the New Hanover County Register of Deeds the restrictive covenants acceptable to the Corps of Engineers for the purpose of maintaining the 0.528 acres of on-site remaining wetland areas, in their natural state in perpetuity, prior to the sale or conveyance of any lots or other property within the subdivision. The permittee shall enforce the terms of the restrictive covenants and, prior to conveyance of the property, shall take no action on the property described in the covenants inconsistent with the terms thereof. The permittee shall provide a copy of the recorded restrictive covenants to the Corps of Engineers within 15 days of recording.


Corps Regulatory Official


Date

U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: Howard Penton, Summerwalk Development LLC
Project Name: Summerwalk Development

Action ID: SAW-2009-01214
County: New Hanover

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Ecosystem Enhancement Program (NCEEP), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements:

Permitted Impacts Requiring Mitigation* **8-digit HUC and Basin: 03030001, White Oak River Basin**

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
					0.147	

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements: **8-digit HUC and Basin: 03030001, White Oak River Basin**

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
					0.20	

Mitigation Site Debited: Lower Cape Fear Umbrella Mitigation Site

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCEEP, list NCEEP. If the NCEEP acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCEEP), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: _____

Name of Sponsor's Authorized Representative: _____

Signature of Sponsor's Authorized Representative

Date of Signature

**USACE Wilmington District
Compensatory Mitigation Responsibility Transfer Form, Page 2**

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. ***Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 11405 Falls of Neuse Road, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil).*** Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager: Kyle Dahl
USACE Field Office: Wilmington Regulatory Field Office
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403
Email: kyle.j.dahl@usace.army.mil



USACE Project Manager Signature

August 11, 2015
Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.



WILMINGTON URBAN AREA Metropolitan Planning Organization

P.O. Box 1810
Wilmington, North Carolina 28402
910 341 3258 910 341 7801 FAX

Members:

City of
WILMINGTON
Lead Planning Agency

Town of
CAROLINA BEACH

Town of
KURE BEACH

Town of
WRIGHTSVILLE BEACH

NEW HANOVER
County

Town of
BELVILLE

Town of
LELAND

Town of
NAVASSA

BRUNSWICK
County

PENDER
County

CAPE FEAR
Public Transportation
Authority

North Carolina
BOARD OF
TRANSPORTATION

January 27, 2015

Mr. Dan Cumbo, PE
Davenport Transportation Consulting
P.O. Box 15997
Wilmington, NC 28408

RE: Approval of the Traffic Impact Analysis update associated with the proposed **Summer Walk Development** Wilmington, NC

Dear Mr. Cumbo:

The Wilmington Metropolitan Planning Organization (WMPO), North Carolina Department of Transportation (NCDOT), and City of Wilmington staff have reviewed the Summer Walk Development Traffic Impact Analysis (TIA) update report dated December 16, 2014. The report has been accepted and appears to meet the minimum requirements for TIA submittal.

AS per WMPO, NCDOT, and City of Wilmington review, the developer is responsible for constructing the following improvements:

Phase 1

- Oleander Drive and Greenville Loop Road/Greenville Avenue:**
 - Construct an additional northbound right turn lane on Greenville Loop Road
 - Reconfigure northbound approach with full storage for the dual right turn lanes, and a shared through-left lane with approximately 300 feet of storage and appropriate tapers
 - Signal modification and optimization
- Oleander Drive and Bagley Avenue:**
 - No improvements

3. **Access B/Richard Bradley Drive and Greenville Loop Road**
 - Construct a northbound left turn lane with 100 feet of storage and appropriate taper
 - Construct a southbound through-right turn lane with approximately 100 feet of storage and appropriate taper (TIA indicated through lane and right turn lane)
 - Perform preliminary design, drainage, and grading for the addition of a southbound right turn lane with 100 feet of storage and appropriate taper
 - Restripe westbound approach of Richard Bradley Drive to include a left turn lane
 - Provide a separate eastbound left turn lane, and a shared through-right lane
4. **Access A and Greenville Loop Road**
 - Construct a northbound left turn lane with 100 feet of storage plus appropriate taper
 - Construct a southbound right turn lane with full storage
5. **Access C and Oleander Drive**
 - No Improvements

Phase 2

1. **Oleander Drive and Greenville Loop Road/Greenville Avenue:**
 - Construct an additional westbound left turn lane on Oleander Drive with 300 feet of storage and appropriate tapers
 - Extend existing westbound left turn lane on Oleander Drive to 300 feet of storage
 - Construct a southbound left turn lane on Greenville Avenue with 150 feet of storage and appropriate taper
 - Construct an eastbound right turn lane on Oleander Drive with 150 feet of storage plus appropriate taper
 - Signal modification and optimization
2. **Oleander Drive and Bagley Avenue:**
 - No improvements
3. **Access B/Richard Bradley Drive and Greenville Loop Road**
 - Extend the southbound through-right turn lane at the intersection to full storage all the way to Oleander Drive.

- Construct a southbound right turn lane with 100 feet of storage and appropriate taper
4. **Access A and Greenville Loop Road**
 - No additional improvements
 5. **Access C and Oleander Drive**
 - Construct an eastbound right turn lane with 100 feet of storage and appropriate taper
 - Construct concrete median island per NCDOT specifications on Oleander from Greenville Loop Road to Bagley Avenue

Regards,

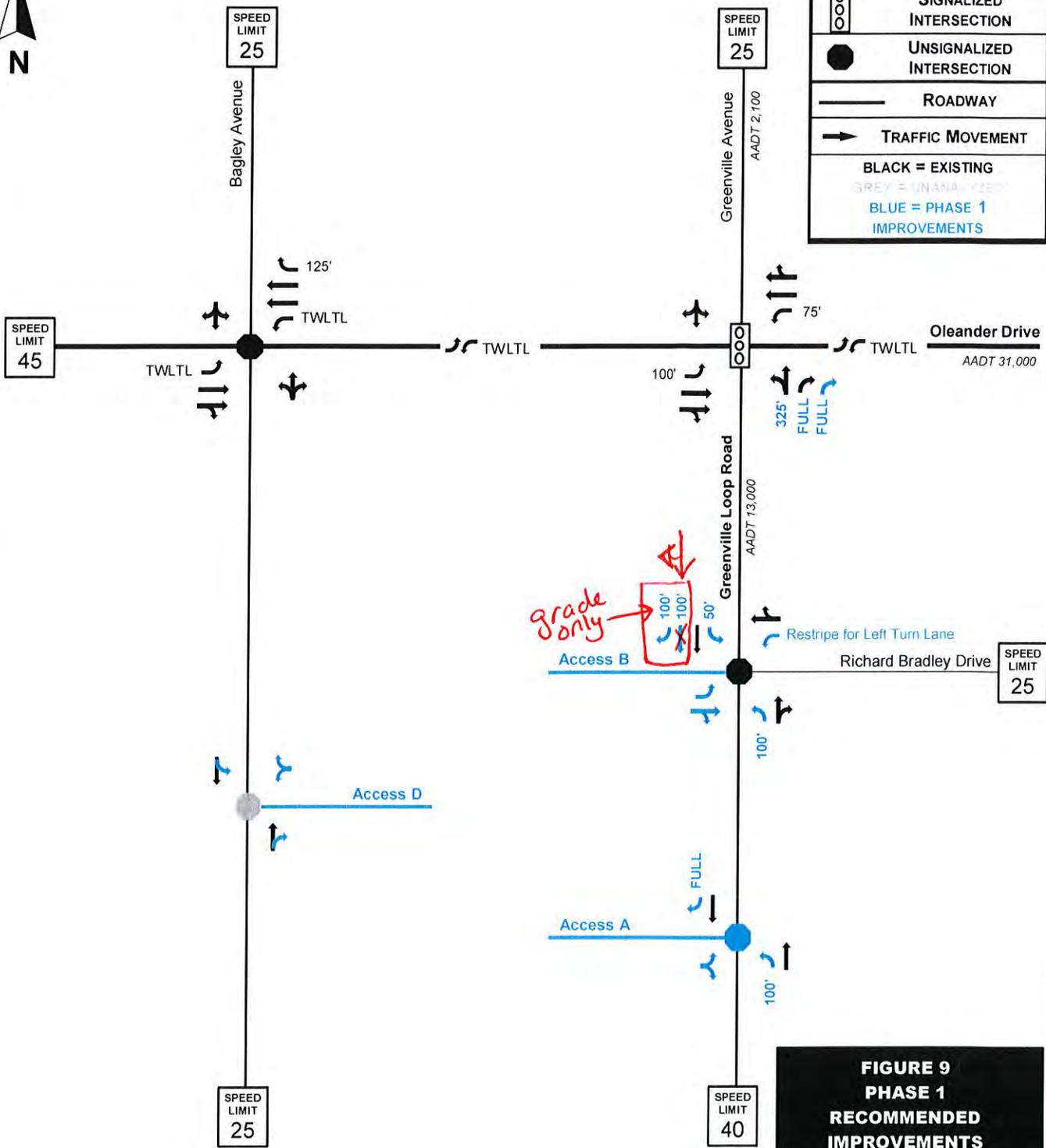
Amy L. Kimes, PE
 Construction Project Manager
 Wilmington MPO

Attachments: Phase 1 Recommended Improvements
 Phase 2 Recommended Improvements

Copy:	Anthony Law, District Engineer, NCDOT	Katie Hite, Division Traffic Engineer, NCDOT
	Ben Hughes, NCDOT	Jessi Booker, NCDOT
	Mike Kozlosky, Executive Director, WMPO	Don Bennett, CoW Traffic Engineer
	Kathryn Thurston, CoW Planner	Bill McDow, WMPO



LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	ROADWAY
	TRAFFIC MOVEMENT
	BLACK = EXISTING
	GREY = UNANALYZED
	BLUE = PHASE 1 IMPROVEMENTS



**FIGURE 9
PHASE 1
RECOMMENDED
IMPROVEMENTS**

SUMMER WALK

PROJECT NUMBER 14-259



This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of, or improper reliance on, this document by others without written authorization and adaptation by DAVENPORT shall be without liability to DAVENPORT and shall be a violation of the agreement between DAVENPORT and the client.

*** NOT TO SCALE ***



LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
GREY = UNANALYZED	
BLUE = PHASE 1 IMPROVEMENTS	
RED = FULL BUILD IMPROVEMENTS	

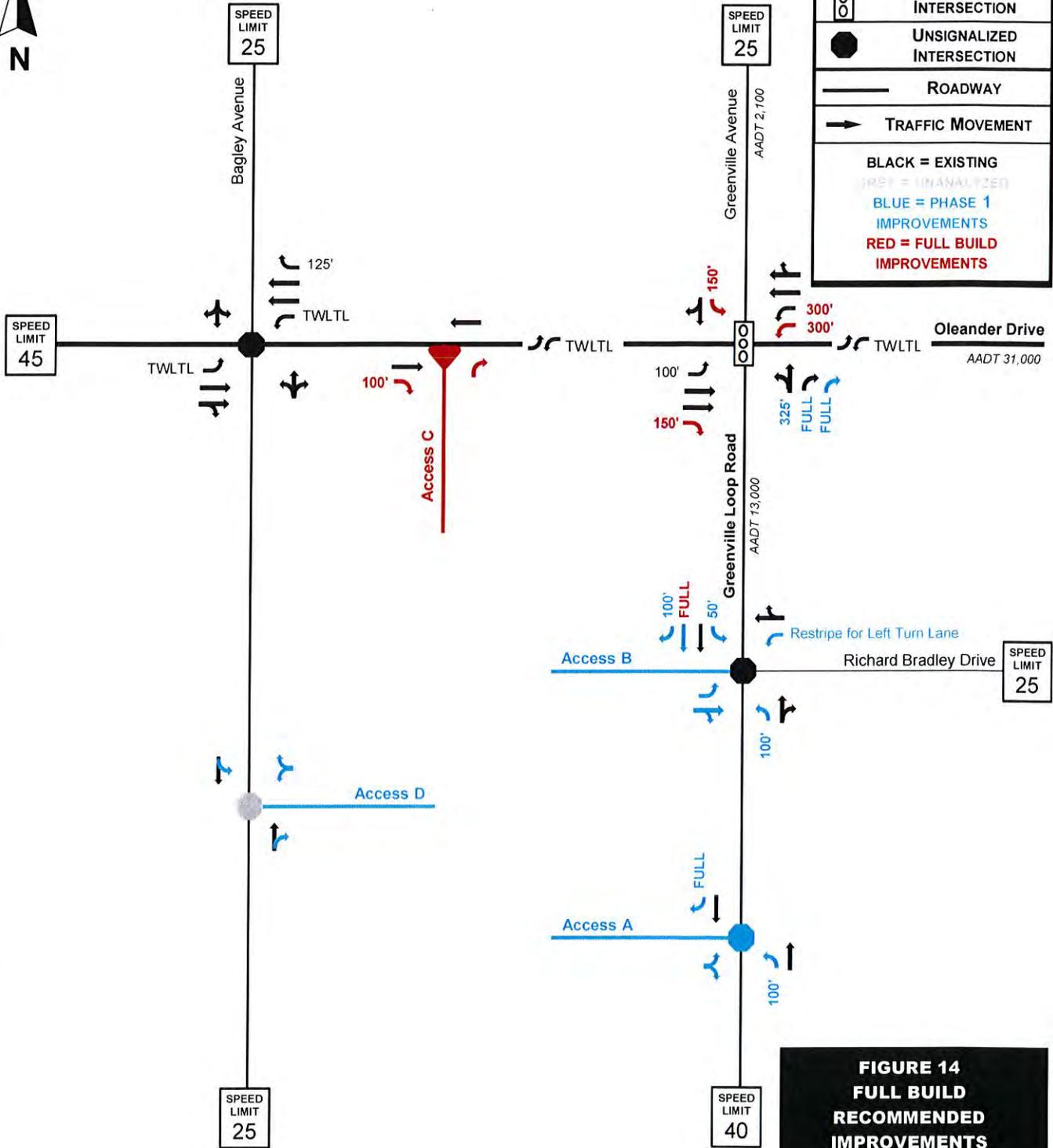


FIGURE 14
FULL BUILD
RECOMMENDED
IMPROVEMENTS

SUMMER WALK

PROJECT NUMBER 14-259



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*** NOT TO SCALE ***